

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
PARKERSBURG

CONN FEAMSTER and
SANDRA FEAMSTER,

Plaintiffs,

vs.

CIVIL ACTION NO. 6:10-cv-00241
JUDGE GOODWIN

HIGHMARK WEST VIRGINIA INC.
d/b/a MOUNTAIN STATE BLUE CROSS
& BLUE SHIELD and RELATIONAL
MANAGEMENT SERVICES, LLC,

Defendants.

**MOTION ON BEHALF OF HIGHMARK WEST VIRGINIA TO EXTEND DEADLINE
FOR FILING DISPOSITIVE MOTIONS AND REQUEST FOR EXPEDITED RULING**

Highmark West Virginia, Inc. ("Highmark") respectfully requests that the Court amend the Scheduling Order and extend the deadline for filing dispositive motions.

The Court entered a Scheduling Order on June 16, 2010, which order provides that dispositive motions shall be filed by February 21, 2011. The final deposition in this case was taken on January 31, 2011, the date for discovery completion according to the Scheduling Order.¹ Depositions of Highmark corporate designees were taken on January 27 and 28, 2011. Because transcripts of these depositions have not been received by the parties and because such transcripts, especially those of Highmark's corporate designees, are necessary for the filing of any dispositive motions, Highmark requests that the Court amend the Scheduling Order as follows:

¹ A dispute has arisen with respect to the discovery deadline which is addressed in Defendant Relational Management Services' motion for protective order filed on this date. Regardless of the outcome of that discovery dispute, Highmark requests additional time for the parties to file, respond and reply to dispositive motions for the reasons set forth herein.

All dispositive motions, together with depositions, admissions, documents, affidavits, or other such matter in support thereof, shall be filed and served by **March 11, 2011**, with responses due by **March 25, 2011**, and replies due by **April 1, 2011**.

It should be noted that Highmark is not requesting that the Court extend any other deadlines contained in the Scheduling Order, and the extension of the dispositive motion deadline requested herein will not interfere with the other deadlines previously established by the Scheduling Order, including that of the pretrial, which is not scheduled to be held until May 16.

Because the deadline for the filing of dispositive motions is rapidly approaching, Highmark respectfully requests that the Court issue an expedited ruling with respect to this motion.

HIGHMARK WEST VIRGINIA INC.
d/b/a/ MOUNTAIN STATE BLUE CROSS
& BLUE SHIELD

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Jeffrey V. Mehalic

Anna F. Ballard

Jan L. Fox

Sara E. Hauptfuehrer

Roy F. Harmon , III

/s/Robert J. Kent

Robert J. Kent